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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,947	01/15/2004	Shing Hong Lee	MR2349-1177	8199

4586 7590 08/23/2005

ROSENBERG, KLEIN & LEE  
3458 ELLICOTT CENTER DRIVE-SUITE 101  
ELLICOTT CITY, MD 21043

EXAMINER

BARRY, CHESTER T

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/759,947

Applicant(s)

LEE, SHING HONG

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Claims 1 – 7 are objected to for a misspelling error. In claim 1, composting appears as “compositing.” Correction is required.

Composting requires at least partial decomposition of organic matter by mesophillic or thermophillic microorganisms. A composting-free process for converting organic waste to a fertilizer product is one which does not rely on a mesophillic or thermophillic digestion step. The prior art does not teach or suggest a system that is both composting-free (i.e., neither mesophillic or thermophillic microbial digestion) and require microbial enzymes.

Pat Pub 2005/0145566 to Haase is cited for preheating a slurry waste stream prior to thermophillic and mesophillic microbial digestion of a slurry waste stream. A Class A biosolids (Sec 503) pathogen-free fertilizer results.

US Pat Pub 2005/0035059 to Zhang describes a pretreatment apparatus for slurrying organic substrate (livestock solid waste) with liquid in feed tank 20. The waste slurry is fed to an anaerobic reactor 40 to which beneficial enzymes are added and mixed with the slurry (paragraph [0088]).

USP 4240905 to Scaccia<sup>1</sup> or USP 4193854 to Drnevich<sup>2</sup> is cited as evidence that it was known in this art that aerobic respiration of organic substrates is an exothermic process.

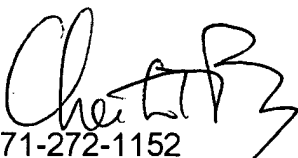
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<sup>1</sup> “It is also known that the biochemical reaction of wastewater aerobic

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USP 5062387 to Anderson and US Pat 4913095 to Morrow are cited for a typical hog waste flushing system.

USP 6692642 to Josse is cited of interest, but does not teach or suggest the claimed invention because the process described therein requires biological removal of phosphorus, nitrogen, and dissolved organic matter.



571-272-1152

**CHESTERT. BARRY**  
**PRIMARY EXAMINER**

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digestion is exothermic. In this example, the temperature of the feed sludge increased substantially during digestion, i.e., from 13.5 [degrees] - 24.0 [degrees] C to 53.5 [degrees] - 60.0 [degrees] C during digestion."

<sup>2</sup> "Preferably, the sludge in aerobic digestion tank 320 will reach and maintain thermophilic temperatures autothermally with the heat generated by the exothermic biochemical reactions occurring in tank 320. In some cases it may be necessary to either thicken the sludge or supply heat to the sludge prior to its introduction into tank 320. This heat can be provided by heat exchange between the influent and effluent streams. Alternatively, the sludge can be heated directly in tank 320 as for example by heating means 343. Still other means of maintaining thermophilic temperatures in tank 320 may also be employed as will be recognized by one of ordinary skill."